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REMARKS

Applicants have noted a typographical error in the ascending order in the numbering of the claims, which were marked 1-10 on the first page of the claims, but skipped the numbering from 11-16 on the next page. Applicants have corrected the numbering as shown in the amendment. Applicants respectfully request correction of these claim numbers.

Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- Group I: Claims 1-18, drawn to a method for differentiating mammalian bone marrow cells into endocrine hormone-producing cells, classified in class 435, subclass 377, for example.
- Group II: Claim(s) 19, drawn to an endocrine hormone-producing cell(s), classified in class 435, subclass 352+, for example.
- Group III: Claims 20-26, drawn to a method for administering bone marrow cells to a subject having damaged pancreas, classified in class 424, subclass 93.7, for example.
- Group IV: Claims 27-34, drawn to a method for reversing hyperglycemia in a mammal having diabetes, classified in class 424, subclass 93.7, for example.

In response, Applicants elect Group I, claims 1-18, drawn to a method for differentiating mammalian bone marrow cells into endocrine hormone-producing cells, classified in class 435, subclass 377, for example. This election is made with traverse.

The Examiner asserts that Groups I and II are different inventions. However, applicants submit that the method of group I would result in the endocrine hormone-producing cell of Group II. The end result of the methods of Group I is the invention of

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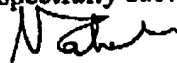
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Group II. A search based on Group I would ultimately yield the end result of Group II and would therefore, not be an undue burden. Applicants respectfully request that lifting the restriction requirement and prosecuting Groups I and II would result in a significant savings of time and resources for both the Patent Office and Applicants.

The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications. Based on the above election, Applicants request removal of the restriction requirement and substantive examination of all elected claims. Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

This response is being filed with a petition for a one month retroactive of time and the required fee. Although, Applicants believe that no further extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,



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Docket No. 5853-310

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